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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,124	07/13/2001	Marvin Lynn Williams		8430

7590 08/10/2005  
Marvin Williams  
209 Woody Trail  
Hickory Creek, TX 75065

EXAMINER
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SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/905,124	WILLIAMS, MARVIN LYNN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Justin E. Shepard	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "212" and "210" have both been used to designate TYPE/LEN in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because in figure 6 the output line of action box 655 is labeled as a "NO" line, but the line represents an action. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

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description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

On page 5, line 5: The word "desire" should be followed by "a".

On page 8, line 23 (and in multiple other occurrences): Part 200 is not shown in figure 1.

On page 17, line 9 (and in multiple other occurrences): Part 400 is not shown in figure 1.

On page 55, line 3; Part 1095 is not shown in figure 10

Appropriate correction is required.

### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities: The word "higher" follows the phrase "higher interrupt-priority" and is not needed on page 56, line 25; and page 57, line 2. Appropriate correction is required.

Claims 3 and 4 are objected to because of the following informalities:

The phrase "said currently playing audio-video segment" does not have any antecedent basis in these claims.

Claim 12 is dependent on claim 13, which is dependent on claim 1.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 7, 8, 9, 10, 12, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffberg.

5. Referring to claim 1, Hoffberg discloses a wireless receiver (column 128, lines 52-53) having equipment for receiving and detecting at least one transmission instance of a digital signature (column 122, lines 24-25) having a correlated audio-video segment (column 127, lines 33-34) for processing by a central processing unit (column 131, lines 58-60) with programmable stored instructions including the steps of: determining if said transmission instance of said digital signature has at least one conditional preference comprised of at least one conditional expression (column 139, lines 13-25) and an associated action automatically initiating execution (column 139, lines 21-25; Note:

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presenting the program material is being interpreted as equivalent as an action) of said associated action upon said conditional expression evaluating to a logically true state.

6. Referring to claim 6-8, Hoffberg discloses a receiver as claimed in claim 1 wherein said receiver is a mobile radio (column 128, lines 52-53), television (column 127, lines 56-57), cell phone (column 127, lines 55-56; column 129, line 3).

Referring to claim 9, Hoffberg discloses a receiver as claimed in claim 1 wherein said conditional preference is transferred bi-directionally between said receiver and a smart card (column 80, lines 60-66; column 132, lines 7-8).

Referring to claim 10, Hoffberg discloses a receiver as claimed in claim 1 wherein said conditional preference is transferred bi-directionally between said receiver and an infrared equipped device (column 84, lines 16-20; column 132, lines 7-8).

Referring to claim 13, Hoffberg discloses a receiver as claimed in claim 1 further including the step of assigning multiple conditional preferences to said digital signature (column 139, line 21; Note: the correlation index is being interpreted as being more than one).

7. Referring to claim 12, Hoffberg discloses a receiver as claimed in claim 13 wherein geographical information is received from triangulation of cellular cells for a cellular device (column 128, lines 64-67; column 129, lines 1-3).

Referring to claim 14, Hoffberg discloses a receiver as claimed in claim 1, wherein said associated action of said conditional preference is communicatively coupled between said receiver and an infrared equipped device (column 84, lines 16-20; column 132, lines 7-8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg in view of Hammett.

8. Referring to claim 2, Hoffberg discloses a receiver as claimed in claim 1 further comprising an electronic user interface (column 131, lines 51-54).

Hoffberg does not disclose a receiver comprising a function control for associating at least a first captured digital signature and an associated interrupt priority for a currently active digital signature to said conditional preference.

Hammett discloses a receiver comprising a function control for associating at least a first captured digital signature and an associated interrupt priority for a currently active digital signature to said conditional preference (paragraph 66, lines 3-17; paragraph 67, lines 35-40).

At the time of the invention it would have been obvious to one of ordinary skill in the art to automatically play a song that you prefer over the song that is currently playing as taught by Hammett. The motivation for doing this would be to enable people to not have to physically change the stations, therefore making the experience more enjoyable (paragraph 66, lines 21-28).

9. Referring to claim 3, Hoffberg does not disclose a receiver as claimed in claim 1 wherein said central processing unit with programmable stored instructions further including the steps of: seeking a correlated audio-video segment having a higher interrupt-priority value higher than said currently playing audio-video segment; automatically substituting said currently playing audio-video segment with said correlated audio-video segment having said higher interrupt-priority higher value.

Hammett discloses a receiver as claimed in claim 1 wherein said central processing unit with programmable stored instructions further including the steps of: seeking a correlated audio-video segment having a higher interrupt-priority value higher than said currently playing audio-video segment; automatically substituting said currently playing audio-video segment with said correlated audio-video segment having said higher interrupt-priority higher value (paragraph 66, lines 3-17; paragraph 67, lines 35-40).

At the time of the invention it would have been obvious to one of ordinary skill in the art to automatically play a song that you prefer over the song that is currently playing as taught by Hammett. The motivation for doing this would be to enable people to not have to physically change the stations, therefore making the experience more enjoyable (paragraph 66, lines 21-28).

10. Referring to claims 4 and 5, Hoffberg discloses a receiver as claimed in claim 3, wherein said currently playing audio-video segment and associated interrupt- priority value are derived from an internal playing component (column 139, lines 64-66);



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wherein said internal playing component is a disk player (a hard disk is an obvious variation of a memory device).

Referring to claim 15, Hoffberg does not disclose a receiver as claimed in claimed 1, further including the step of determining to automatically initiate a seek and search for an alternative audio-video segment upon said receiver receiving said audio-video segment having an associated negative interrupt-priority value.

Hammett discloses a receiver as claimed in claimed 1, further including the step of determining to automatically initiate a seek and search for an alternative audio-video segment upon said receiver receiving said audio-video segment having an associated negative interrupt-priority value (paragraph 67, lines 13-15; paragraph 66, lines 27-28).

At the time of the invention it would have been obvious to one of ordinary skill in the art to give certain songs a restriction rating and not automatically play those songs as taught by Hammett. The motivation for doing this would have been to automatically block out offensive songs (paragraph 66, lines 8-9).

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg in view of Hammett as applied to claim 2 above, and further in view of Johnstone.

Hoffberg discloses a receiver as claimed in claimed 2 further providing means for interpolating geographical information from a GPS interface unit and geographical coordinates identified by said currently active digital signature (column 128, lines 64-67; column 129, lines 1-3).

Hoffberg does not disclose a receiver with a GPS interface for displaying geographical locations and directions within said electronic user interface.

Johnstone discloses a receiver with a GPS interface for displaying geographical locations and directions within said electronic user interface (figure 12B).

At the time of the invention it would have been obvious to one of ordinary skill in the art to display the GPS information, as taught by Johnstone, on the device disclosed by Hoffberg, as the device disclosed by Hoffberg already contained a GPS receiver.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leeke, U.S. Patent Number 6,587,127; Content Player Method and Server with User Profile.

Deo, U.S. Patent Number 6,282,294; System for Broadcasting.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

  
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